



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending July 17, 1999



Columbia Services Group, Inc v. DOC—B-283137

Bid protest filed at GAO by Columbia Services Group, Inc. on July 1, alleging that agency failed to follow its evaluation procedures by not allowing protestor the opportunity to make an oral presentation. Protestor seeks opportunity to make oral presentation and termination of any awards made. Agency has decided to suspend awards of the contracts under COMMITS pending resolution of the protest. Agency report due on August 2. Tentative meeting scheduled for July 13 with protestor (and its counsel) to advise them of the bases for agency's determination that they were not eligible for an oral presentation. (Terry H. Lee).

DRC v. DOC (GSBCA No. 14919-COM)

The Board held a telephonic conference on July 2nd to discuss the schedule for proceedings. Appellant notified the Board that it had elected to proceed under the Board's small claim procedures. The parties discussed the discovery schedule and agreed to use issue the Board's new round-table hearing procedures. The hearing is scheduled for October 14, 1999, in South Bend, Indiana. Due to the tight hearing schedule, Fred Kopatich will enter his appearance in the case. (Amy Freeman)

Debcon v. DOC (GSBCA No. 13923-COM)

Depositions were conducted last week in Kansas City. One current Fluor Daniels, Inc. employee and three former employees were deposed, as well as the contracting officer, the contracting officer's technical representative, and the contract specialist. The parties agreed to reschedule the six-day hearing from the week of October 18th to the last week in October, and notified the Board accordingly. (Amy Freeman)

National Mailing Systems—Agency Protest to Contracting Officer

Assisting AMD with resolution of this challenge to the award of a contract to Pitney Bowes ("PB") for mailing system equipment (and equipment maintenance) for 26 NOAA offices in the continental US and Puerto Rico. After consultation the CO determined to grant the Protest because awardee's GSA Schedule equipment does not appear to conform to the precise RFP specifications. On 7/16/99 Pitney Bowes, agreed to a "no cost" termination of its contract, although it had delivered some equipment. Given that RFP will be revised and re-

issued shortly, Protestor, NMS, agreed (7/16/99) to withdraw its Protest. (Edward Weber)

Domain Name Project

Chairman Bliley issued a letter to NTIA requesting information on the status of the privatization of domain name registrations. On July 8, 1999, NTIA and General Counsel Andrew Pincus submitted the response providing a complete status report of the Department's efforts to introduce competition into this business. In addition, Chairman Bliley requested production of documents related to this activity. NTIA submitted these documents on July 12, 1999. Catherine Shea assisted in this effort.

Lawyer's View—COTS Software Licenses

A new Lawyer's View on this topic has been authored by Lisa J. Obayashi and is on our web site. See <http://www.ogc.doc.gov/OGC/CLD.html#lawview>

Global Crane Institute, Inc. v. DOC

The NIST CO acted upon the Agency Level Protest after re-conducting the Past Performance evaluation and finding that the Protestor should have been awarded the contract as the low bidder under the solicitation. (Edward Weber)

CLD "Time to Complete"—3.5 Days

Actions by Contract Law Division during Period from 7/4/1999 7/17/1999

Bureau	Received	Completed
BXA	1	1
NIST	5	5
NOAA	8	8
PTO	3	2
Totals	17	16

